

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

MARYLAND SHALL ISSUE, INC., *et al.*,

Plaintiffs,

v.

LAWRENCE HOGAN, in his capacity as
GOVERNOR OF MARYLAND, *et al.*,

Defendants.

Case No. 1:16-cv-03311-ELH

**CONSENT MOTION OF EVERYTOWN FOR GUN SAFETY FOR LEAVE
TO FILE *AMICUS CURIAE* BRIEF IN SUPPORT OF DEFENDANTS**

With the consent of all parties, Everytown Gun Safety (“Everytown”) respectfully moves for leave to file the attached brief as *amicus curiae* in support of Defendants’ Motion for Summary Judgment, dated August 17, 2018. Everytown is the nation’s largest gun-violence-prevention organization, with over five million supporters spread across all fifty states, including tens of thousands of Maryland residents and the mayors of fourteen Maryland cities. It was founded in 2014 as the combined effort of Mayors Against Illegal Guns, a national, bipartisan coalition of mayors combating illegal guns and gun trafficking, and Moms Demand Action for Gun Sense in America, an organization formed after the murder of twenty children and six adults in an elementary school in Newtown, Connecticut. Everytown also includes a large network of gun violence survivors who are empowered to share their stories and advocate for responsible gun laws.

Everytown’s mission includes defending gun-safety laws through the filing of amicus briefs providing historical context, social science, and doctrinal analysis that might otherwise be overlooked. Everytown has filed such briefs in several recent cases, including in the Fourth

Circuit and the District of Maryland. *See, e.g., Kolbe v. Hogan*, No. 14-1945, 2016 WL 1572325 (4th Cir. April 18, 2016); *Malpasso v. Palozzi*, No. 1:18-cv-01064-MJG (D. Md. June 15, 2018); *see also, e.g., Colo. Outfitters Ass’n v. Hickenlooper*, Nos. 14-1292, 14-1290, 2015 WL 1955140 (10th Cir. Apr. 29, 2015); *Silvester v. Harris*, No. 14-16840, 2015 WL 1606313 (9th Cir. Apr. 1, 2015).

Everytown respectfully submits this *amicus* brief to address the historical antecedents and relevant social science concerning the challenged regulations, enacted under Maryland law, that are before this Court. The Fourth Circuit has adopted a “two-part approach” to Second Amendment challenges like this one, first asking “whether the challenged law imposes a burden on conduct falling within the scope of the Second Amendment[]” as historically understood, and, if does, applying a form of heightened, means-end scrutiny. *United States v. Chester*, 628 F.3d 673, 680 (4th Cir. 2010). The proposed *amicus* brief addresses issues at both of these steps.

First, the proposed *amicus* brief provides an account of the historical traditions of the Second Amendment with respect to firearm safety training and background checks. The brief explains that challenged provision of Maryland’s Firearm Safety Act of 2013 is consistent with American legal tradition, dating to the 18th century, and provides an overview of state laws that mandated training and required that individuals seeking to purchase a firearm undergo a thorough identification and background check. This tradition makes clear that Maryland’s law requiring training and background checks is sufficiently “longstanding” to qualify as constitutional under *District of Columbia v. Heller*, 554 U.S. 570, 626 (2008).

Second, the proposed *amicus* brief also sets forth for the Court’s consideration additional social science research and empirical evidence supporting the challenged law’s firearm training requirement. This evidence further supports the constitutionality of Maryland’s law.

As noted, all parties have consented to our filing the proposed *amicus* brief. And, as this motion is being filed within seven days of Defendants' Motion for Summary Judgment, DKT 59, granting Everytown leave to file as *amicus* will not cause undue delay. The proposed brief, along with a proposed order, are attached as exhibits to this motion.

For the foregoing reasons, Everytown respectfully requests that the Court grant leave to file an *amicus* brief in support of Defendants.

Dated: August 24, 2018

Respectfully submitted,

/s/ Thad A. Davis

Thad A. Davis (Bar No. 18806)

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CERTIFICATE OF SERVICE

I, Thad Davis, hereby certify that on August 24, 2018, I electronically filed the foregoing with the Clerk of the Court of the United States District Court for the District of Maryland by using the CM/ECF system. All participants are registered CM/ECF users, and will be served by the CM/ECF system

/s/ Thad A. Davis
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